



CITY OF SAN JOSE, CALIFORNIA

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CIVIL SERVICE COMMISSION

Bill Brill, Chair
Joan Smith, Vice Chair
Margaret Akdeniz
Holden Green
Roy Truitt

CONFIDENTIAL **CIVIL SERVICE COMMISSION** **Minutes of the Commission** **April 30, 2013**

The Civil Service Commission of the City of San José convened on April 30, 2013, in Room W262, San José City Hall, at 6:04 p.m.

PRESENT: Commissioner Akdeniz, Brill, Smith, Truitt and Green

ABSENT: None

Presiding Officer Akdeniz stated this meeting had been called to order to continue to hear the appeal of dismissal of Mike Rogers, Maintenance Worker I, Department of Transportation. It was determined that the appellant, the appellant's representative, Michael Nelson; Deputy City Attorney Christopher T. Yamada and Associate Deputy City Attorney Mark J. Vanni, representing the respondent, City of San José; and Assistant Director of Transportation Jim Ortbal were present, and all parties were ready to proceed.

Testimony was heard from Jim Ortbal.

At 8:02 p.m., the Commission recessed and reconvened at 8:16 p.m., with Commissioners Akdeniz, Brill, Smith, Truitt and Green present.

Testimony was heard from Gary Roberts.

At 9:27 p.m., the Commission recessed and reconvened at 9:34 p.m., with Commissioners Akdeniz, Brill, Smith, Truitt and Green present.

Testimony was heard from Mike Rogers.

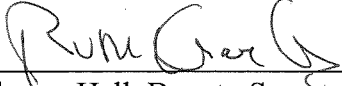
The Commission entered into closed session at 12:00 a.m., to deliberate. The Commission reconvened at 12:42 a.m., with Commissioners, Brill, Smith, Akdeniz, Truitt and Green present. The Commission had a split vote, 2 Commissioners upheld and 3 overturned Charge 1. The Commission voted unanimously to uphold Charge 2. The Commission voted unanimously to uphold Charge 3. The Commission split the 4th Charge into two parts, coming to a split vote, 1 Commissioner upheld and 4 overturned Charge 4. The Commission voted to overturn the discipline of Mike Rogers. The Commissioners modified the discipline, stating the 5 months the appellant had served without pay satisfied as a disciplinary measure. The commission decided that Mr. Rogers was to be immediately reinstated to his former position of Maintenance Worker I, in the Department of Transportation, with full benefits and the same rate of pay he had on his date of termination.




MARGARET AKDENIZ, Presiding Officer

ATTEST:

CIVIL SERVICE COMMISSION
TONI J. TABER, SECRETARY



 Rebecca Hall, Deputy Secretary